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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,795	12/20/2001	Mark Andrew Dinan	46243.010100	4791

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EXAMINER
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EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
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2157

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/022,795

Applicant(s)

DINAN ET AL.

Examiner

Hussein A. El-chanti

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3-9 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9 and 11-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to RCE received on Jan. 5, 2007. Claims 1, 3-9 and 11-16 were amended. Claims 2 and 17-20 were canceled. Claims 1, 2-16 are pending examination.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5, 8 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding claim 5, the phrase "metaphorically correct manner" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
4. Regarding claims 8 and 15, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

#### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2157

5. Claims 1, 3-9 and 11-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Chesley et al., U.S. Patent No. 7,065,553 (referred to hereafter as Chesley).

As to claims 1 and 11, Chesley teaches a method and system wherein a user interacts within an immersive online community having avatar virtual objects, the method comprising the steps of:

interconnecting multiple computer using communication mechanisms optimized for low bandwidth connections (see col. 7 lines 11-22);

providing a set of user tools including identity tool (see col. 6 lines 27-52);

users of said multiple computers, through use of said identity tools selecting a set of characteristics to represent avatar objects wherein each of said characteristics is associated with a unique personality specified led by the user and represents the user in the online community (see col. 7 lines 36-65, multiple avatars represent multiple users),

providing a set of interface tools (see col. 6 lines 27-52);

said avatar objects interacting with each other utilizing predetermined ones of said interface tools, such that said avatar objects receive real-time responses to stimuli initiated by other avatar objects (see col. 8 lines 29-42, user may use the interface to move the avatar or other objects), and

said avatar objects interactively passing user generated content between said avatar objects and said user under administrative controls (see col. 8 lines 29-42), and

said users, through said computers, controllably navigating said avatar objects within the confines of the immersive online community (see col. 8 lines 29-42)

As to claims 3 and 12-13, Chesley teaches the method and system of claims 1 and 11 wherein the navigation is metaphorically correct representation of a three dimensional world (see col. 2 lines 1-10).

As to claim 4, Chesley teaches the method of claim 1 wherein the response to stimuli includes said users sending projectiles between at least one avatar object and another avatar object (see col. 20 lines 50-col. 21 lines 57).

As to claim 5, Chesley teaches the method of claim 1 wherein the response to stimuli includes said user dancing in a metaphorically correct manner (see col. 20 lines 50-col. 21 lines 57).

As to claim 6, Hichata teaches the method of claim 1, wherein the response to stimuli includes a user playing games with other avatar objects (see col. 20 lines 50-col. 21 lines 57).

As to claims 7 and 14, Chesley teaches the method and system of claims 1 and 11 wherein said users create objects using interactive Java tools to interact within the immersive online community (see col. 20 lines 50-col. 21 lines 57).

As to claims 8 and 15, Chesley teaches the method of claim 1 wherein said user employs verbal invocations that leads to actions such as projectile throwing dancing and game playing (see col. 20 lines 50-col. 21 lines 57).

As to claim 9, Chesley teaches the method of claim 1 wherein said user participates in the economy on the immersive online community via use of an economy tool (see col. 20 lines 50-col. 21 lines 57).

As to claim 10, Chesley teaches the method of claim 1 wherein the administrative controls provide governance and logging to user actions with the immersive online community (see col. 20 lines 50-col. 21 lines 57).

As to claim 15, Chesley teaches the system of claim 11 further includes an interface engine residing within a Java environment, the interface engine updating dynamically using standard class libraries (see col. 14 lines 50-55 and col. 6 lines 39-52).

### ***Response to Arguments***

6. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

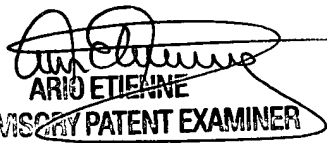
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hussein Elchanti

Feb. 19, 2007

  
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